
Appeal Decision

Site visit made on 14 August 2019

by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd September 2019

Appeal Ref: APP/G5180/W/19/3223960
22 Rodway Road, Bromley BR1 3JL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Fiaz Chowdhury against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/18/03066/FULL1, dated 5 July 2018, was refused by notice dated 5 September 2018.
 - The development proposed is described as 'proposed 3 bungalows 2x2bed and 1x1bed at land at rear of 22 Rodway Road.'
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council adopted the Bromley Local Plan¹ in January of 2019, this was following the determination of the planning application and prior to my consideration of this appeal. The Council have set out in their statement the policies of the Bromley Local Plan relevant to the appeal and that they have superseded those of the UDP². The appellant has had opportunity to comment thereon. I have determined the appeal with regard to the development plan at the time.

Main Issues

3. There are three main issues. These are the effect of the proposed development on a) the character and appearance of the area; b) the living conditions of existing neighbouring occupiers; and c) whether sufficient off street car parking would be provided.

Reasons

Character and Appearance

4. The appeal site is part of the rear garden to No 22 Rodway Road. It is currently separated from the immediate rear of the building by close boarded timber fencing and largely overgrown with a number of mature trees to the boundaries. Brick walls separate what is a tapering flat land parcel from the rear gardens of dwellings that face Rodway Road to the north and Hawes Road

¹ London Borough of Bromley Planning Division Local Development Framework Local Plan 2019

² London Borough of Bromley Unitary Development Plan 2006

to the south. No 22 is a large detached dwelling that has been sub divided into flats. The surrounding area is characterised by two storey detached and semi detached single tier frontage development set back from and facing the road. Elongated narrow and largely rectangular, open and undeveloped gardens stretch to the rear in each case.

5. The proposed development would introduce a tier that would be wholly against the established grain. It would be in back land form which would jar with the aforementioned context. The sub division of the plot would result in one that is noticeably small in the case of the existing dwelling and even more so for the three that would be created out of the remaining parts of the garden. Put simply, the resulting arrangement of plots would appear obvious and anomalous when compared to the established character of the area, as would the fact that the scheme would be made up of a terrace of bungalows. I agree that due to the siting of the dwellings there would be a very limited public realm impact but the new dwellings would be clearly seen from what are a large number of rear gardens that would back onto them.
6. By virtue of the above factors, the appeal scheme would be harmful to the character and appearance of the area. This would be contrary to Policies 3, 4, and 37 of the Bromley Local Plan and Policies 3.4, 7.4 and 7.6 of the London Plan 2016. Amongst other things, these policies seek to ensure that new development (including new housing and back land housing) is of a high quality and contextually appropriate design and appearance and there is no unacceptable impact on character.

Living Conditions

7. The crux of the Council's concerns in respect of this main issue appear to stem from the operation of the dwellings as well as the access thereto. The latter would be via a shared private walkway down the side of the existing building.
8. The proposed new dwellings would be close to the gardens of those existing but I do not feel that this is so different to the existing arrangement that it would result in harm. The immediate vicinity is a densely populated residential area and the use of the proposed development would be the same as that which exists. Similarly, it strikes me that existing residents would be more than used to comings and goings from neighbours' dwellings. It does not seem, on the strength of the information before me, that the operation of or access to the dwellings proposed would be materially different to that which already exists.
9. One could legitimately argue that the appeal scheme would bring a number of new residential uses close to the boundaries of neighbouring gardens but again such an arrangement is not unusual to the area and in the case of the majority of the gardens the dwellings would abut it would be to their far end where a lesser quality of amenity is usually expected. There could be deliveries associated with the new dwellings but again such would be very similar to those which no doubt already take place.
10. Taking the above into account, the proposed development would not be harmful to the living conditions of existing neighbours. Consequently, I see no conflict with Policy 37 of the Bromley Local Plan or Policy 7.6 of the London Plan. Amongst other things, these policies seek to ensure that new development should be respectful of and not cause harm to the amenity of the occupiers of neighbouring buildings or surrounding land.

Car Parking

11. As I have alluded to above, the existing building at No 22 has been subdivided into flats. The frontage of the building provides off street car parking. Having seen this area on site I would be inclined to say that it could accommodate six cars but would leave very limited space to manoeuvre safely within it so that a car could exit forwards. The appeal scheme would introduce three additional self contained dwellings. The plans show that two spaces would be provided therefore, on the aforementioned frontage.
12. There were two cars parked at the appeal site when I visited. This was during the day in the middle of the week. I appreciate therefore that this was perhaps not a definitive indication of demand for parking within the site. The appeal site is fairly well connected in terms of services that could be accessed via means other than the private car and according to the appellant's evidence has a PTAL³ rating of 4. Policy 30 of the Bromley Local Plan, on this basis, has a minimum requirement of 0.7 spaces and maximum of 1. This would garner a 2.1 space requirement which the scheme is close to achieving. I am mindful that car ownership in the immediate area appears to be high with the majority of dwellings in the locality having off street parking and on street spaces appeared to be well used at the time of my visit.
13. The appeal scheme is not for a flatted development but for self contained dwellings which, regardless of their number of bedrooms, have the capability to be occupied by individuals requiring off street car parking. I see that two would be provided but this leaves one of them short. Even taking into account the possibility that one of the dwellings could be occupied car free, the provision of the two spaces on the frontage would truncate that which could be provided for the existing flats. Whichever way I consider the requirement for and provision of car parking I foresee that there would be some displacement and having regard to spare capacity on the street I feel that such displacement would be in an area of high demand, particularly in the evenings.
14. On street parking is permit controlled. It would appear to be the case that the Council would therefore have some control over how many new permits were issued, since they would be issuing them. There would therefore be some element of control they could excerpt over additional vehicles being parked on the public highway. The permit bays are clearly marked on the road and other parking restrictions would be further self-governing. With these factors in mind, I do not feel that the appeal scheme would necessarily result in a highway safety issue, such that there would be conflict with Policy 32 of the Bromley Local Plan and all things considered the provision only just falls short of what Policy 30 requires. I must also consider the fact that there is some element of 'buyer beware' in this particular case given that future occupiers would be aware of parking provision well in advance of any decision to purchase or rent.
15. I do note however that the provision for car parking for the proposed development would reduce provision for the existing flats. The narrow footpath only access to what would be a contained and surrounded residential development would create problems for the access of emergency vehicles and servicing as identified by the Council in their reasons for refusal. In both of these cases therefore I am concerned that further harm would arise to the

³ Public Transport Accessibility Level

living conditions of both existing and future occupiers by virtue of the reduced provision overall, as well as how access and servicing would be constrained more generally. Such that there would be further conflict with the policies I have cited in regard to the second main issue.

Other Matters

16. I note the erection of a detached dwelling in the rear garden of No 24 Rodway Road, known as No 22a. This development has had something of an eroding effect on the established character given that it has resulted in the truncating of the garden to No 24. However, it has resulted in a frontage building read as part of the same street scene to which No 22 belongs and thus is less harmful overall than the appeal scheme would be. I am not therefore minded to allow the appeal in this light.
17. The appellant's evidence alludes to a number of benefits that would arise out of the proposed development and I attach some positive weight to these. They are however limited in their number and overall they would be constrained by the scale of the scheme. I am not therefore satisfied they would be sufficient to outweigh the harms that I have identified. Similarly, there are a number of areas in which the appeal scheme would be acceptable but these would represent a lack of harm which, by definition, cannot be used to weigh against harm.

Conclusion

18. I have had regard to other matters that have been raised by local residents but it is for the reasons I have set out above that the appeal is dismissed.

John Morrison

INSPECTOR